

**COMMITTEE ON LIMITED JURISDICTION COURTS
MINUTES**

Wednesday, May 5, 2010
10:00 am to 2:00 pm
Conference Room 119 A/B
1501 W. Washington Street
Phoenix, AZ 85007

MEMBERS PRESENT:

Honorable Antonio F. Riojas
Honorable Ted. W. Armbruster
Ms. Valerie A. Avila
Honorable Phillip W. Bain
Mr. C. Daniel Carrion
Honorable Thomas L. Chotena
Ms. Faye Coakley
Honorable Timothy Dickerson
Honorable Maria Felix

Honorable Sam Goodman
Mr. Patrick Kotecki
Honorable Nicole Laurin - *telephonic*
Honorable Dorothy Little
Mr. Doug Pilcher
Ms. Marla Randall
Ms. Lisa Royal
Mr. Mark Stodola
Honorable J. Matias Tafoya

MEMBERS ABSENT:

Honorable Jeffrey A. Klotz

PRESENTERS/GUESTS:

Mr. Jeff Schrade
Ms. Deb King
Mr. Gabe Goltz
Mr. Paul Julien
Ms. Joan Harphant
Ms. Nancy Swetnam
Mr. Stewart Bruner
Ms. Theresa Barrett
Mr. Patrick Scott

Ms. Summer Dalton
Commissioner Charles Donofrio
Ms. Janet Cornell
Mr. Lenny Montanaro - *telephonic*
Nat Mara
Mr. Paul Hallums
Mr. Jerry Landau
Ms. Jennifer Green

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, Judge Antonio Riojas, Chair, called the May 5, 2010, meeting of the Committee on Limited Jurisdiction Courts (LJC) to order at 10:00 a.m.

Members and guests introduced themselves.

- B.** The minutes of the February 17, 2010, meeting of the LJC were presented for approval.

MOTION: To approve the minutes of the February 17, 2010, LJC meeting as presented. Motion seconded. Approved unanimously. LJC-10-004

II. BUSINESS ITEMS/POTENTIAL ACTION ITEMS

A. Arizona Court Manager Program and Training for Civil Case Processing

Mr. Jeff Schrade, Education Services Division (ESD) Director, and Ms. Deb King, ESD Program Manager, presented information about the court managers program offered through Education Services. Mr. Schrade gave some background on the Court Leadership Institute of Arizona (CLIA), which was established in 2006 to improve court leadership in Arizona. CLIA develops programs, workshops, and seminars tailored for court administrators and various other court manager roles. Partnering with the National Center for State Courts Institute for Court Management (ICM), CLIA created the Arizona Court Manager Program (ACM) to reduce travel costs and allow for the use of in-state resources and in-state faculty.

Ms. King provided information on the ACM program curriculum, including core competencies, and learning objectives for the needs of local court staff. She also discussed classes currently in development for executive level leadership. In response to a member comment, Ms. King stated that judges are welcome to attend. She added that many judges who have attended indicate that the classes are useful in allowing them to better understand the court managers' role. She acknowledged that the curriculum is not designed for the development of basic managerial skills, however, she offered to mention the point to CLIA and suggest they explore the addition of such courses to the program. Ms. King added that the classes repeat every twelve to fifteen months, and the classes do not need to be taken in sequence. Ms. King requested that members contact her at DKing@courts.az.gov if they have suggestions for classes in particular subject areas.

Ms. King also addressed members regarding an issue in the development of training and education for court personnel and other staff members that are non-judge, non-probation officers. She reported they previously received a request for training in civil case processing, with a focus on the areas of filing fees, forcible entry and detainers, garnishments, small claims, and counter claims. They would like to know if this is a need that is isolated to a single court, or if other courts feel there is a need for such training. Members agreed that there is a need for training in many areas of civil case processing.

B. Judicial Education in 2010 and Beyond

Mr. Paul Julien, EDS Judicial Education Officer, and Mr. Gabe Goltz, EDS Manager of the Judicial College of Arizona (JCA), updated the committee on the status and focus of their training and education programs for judicial officers in 2010. Mr. Goltz

discussed their efforts to improve on continuing education programs, particularly in light of the cancellation of the 2010 Judicial Conference. They hope to place more emphasis on the needs for various types of training throughout the year rather than having so much prominence on the annual Judicial Conference. He reported on the New Judge Orientations (NJO's) conducted this year for both limited and general jurisdiction. Mr. Julien reviewed several of the seminar topics that will take place at the upcoming Arizona State Bar Convention slated for June 9th to June 11th in Glendale. He noted that judicial attendance is expected to be increased due to the absence of the Judicial Conference this year. Members were encouraged to attend based on the exceptional educational opportunities being provided. Also, judges attending the convention will fulfill all of their COJET requirements. Other training opportunities discussed included a conference later this month on capital case litigation, the National Judges Association annual conference in Williams next month, and an expanded family law conference in the fall. Independent study classes are also available on-line through Wendell.

C. Review of ACJA § 7-205: Defensive Driving

Ms. Nancy Swetnam, AOC Director of the Certification and Licensing Division (CLD), and Ms. Joan Harphant, Chair of the LJC Defensive Driving Subcommittee, updated the committee on ACJA § 7-205: Defensive Driving and related issues. Ms. Harphant reported that the last LJC Defensive Driving Subcommittee meeting held on April 21, 2010, was attended by numerous traffic schools with several of their concerns brought forward.

- Student eligibility issues – schools are downloading eligibility files from the AOC database and neglecting to check the actual citation.
- “Seven day” rule, requiring students to complete the defensive driving course seven days prior to the court date listed on the citations. The courts and traffic schools are not in agreement on this deadline.
- The correct process for online students who fail to pass a test – committee members were asked for feedback on this issue.
- Limiting the number of schools to those currently certified.
- The AOC's phone system cannot satisfactorily handle the randomization process for listing schools. ITD is currently reviewing this for a potential solution and possibly updating the system.

Ms. Swetnam indicated the schools' concerns are being reviewed and worked through. Ms. Harphant drew members attention to the presence of Mr. Paul Hallums, Chair of the Rules Subcommittee and noted the group is scheduled to meet again on May 19th from 8:30 am to 11:00 in AOC conference room 109.

D. EDMS Approach for Limited Jurisdiction Courts

Mr. Stewart Bruner, Information Technology Division (ITD) Manager of Strategic Planning, and Ms. Summer Dalton, Chief Clerk at the Apache Junction Court discussed the Electronic Document Management System (EDMS) for the courts.

Mr. Bruner presented a brief overview of the OnBase document storage and retrieval application, its scanning process, and how it will function to maintain records with the case management system, AZTEC. He reported that general jurisdiction courts, with the exception of Pima Superior, have adopted OnBase and are using it for all of their day-to-day needs. Integration between AZTEC and OnBase has been completed and efforts to integrate AJACS and OnBase are underway.

Ms. Dalton, who has been piloting the OnBase process in her court since March 2010, explained they have tested it on their small claims and civil cases, of which they run approximately 5000 per year. She explained how the process has impacted the day to day work flow and noted that although it is somewhat time consuming at this point, that is expected to change when electronic filing begins. In response to a member request, Ms. Dalton stated she would be available for assistance during the transition from paper to digital storage.

E. Committee Comments on Pending Rule Petitions

No comments were presented and no action was taken on this item.

G. Guilty Pleas By Mail

Judge Timothy Dickerson, member, presented proposed language for an amendment to Rule 17.1(a), Rules of Criminal Procedure. As discussed at the February LJC meeting, the rule needs to specify the types of offenses that can be included in guilty pleas by mail. Members discussed at length some of the contingencies of accepting pleas by mail and agreed that the process should be similar to that of telephonic pleas, using a similar form. In addition, rather than including only class three misdemeanors, members agreed the rule should include *any misdemeanor or petty offense*, with exception to cases involving victims, or other factors as determined by the court. Members also agreed the rule should include a statement to the effect that *State participation can be addressed by local rule or policy*, and a statement indicating that the defendant's plea of guilty by mail is subject to acceptance by the court. Judge Dickerson will make the revisions as discussed, as well as prepare the corresponding form for the plea, prior to the September LJC meeting so that the rule change can be presented to the AJC in October.

MOTION: To continue work on the proposed amendments to Rule 17.1(a), Rules of Criminal Procedure, with the added changes discussed today, for proposal to the AJC before the January 2011 rule petition deadline. Motion seconded. Approved unanimously. LJC-10-005.

H. DNA Requirements and Form 4

Commissioner Charles Donofrio addressed the committee proposing a change to the Form 4(a) of Rules of Criminal Procedure. He explained the changes would simplify compliance with statutes A.R.S. § 41-1750, which requires ten-print fingerprints on defendants accused of particular offenses, and A.R.S. § 13-610,

which requires DNA samples on defendants accused of particular offenses. He proposed adding two sections to Form 4(a) to be completed by the arresting agency, that would indicate whether ten-print fingerprints were taken and if so, to provide the process control number, and to indicate if the offense requires a DNA sample under A.R.S. § 13-610, and whether a sample was obtained.

MOTION: To concur with proposed changes to Form 4(a) of Rule 16A, Rules of Criminal Procedure as presented. Motion seconded. Approved unanimously. LJC-10-006

I. Legislative Update

Mr. Jerry Landau provided an update on legislation impacting limited jurisdiction courts.

HB 2338; Traffic signals

Requires that the yellow light duration for local traffic control devices outlined in A.R.S. § 28-641 be at least three seconds long. Language was removed from the bill that prohibited photo enforcement from shooting red light violations unless there was a one second delay after the light turned red.

HB 2534; Traffic complaints; social security number

Prohibits including social security number on the violator's copy of a traffic citation.

HB 2608; Constables; jurisdiction surcharge

If a sheriff or constable has served a warrant issued by a justice or superior court judge for failure to pay a fine, the court shall collect a ten percent surcharge on the base fine amount. This will impact justice courts, not the municipal courts.

SB 1018; Photo enforcement procedures; justice courts

Prohibits placement of a photo enforcement system within six hundred feet of a posted speed limit change. Requires a speed limit sign placed between the two photo enforcement signs.

SB 1030; Driver license violations; suspensions

Repeals A.R.S. § 28-3473(B)(C)(D) and (E). A.R.S. § 28-3473(A) will remain as the citing violation.

SB 1189; Admissibility of opinion testimony

Requires that expert testimony regarding scientific, technical or other specialized knowledge may only be offered by a qualified witness, based on knowledge, skill, experience, training or education.

Mr. Landau informed members that if proposition 100 fails, there would be a special legislative session.

III. OTHER BUSINESS

A. Next Meeting

Wednesday, September 1, 2010
10:00 am to 3:00 pm
State Courts Building
Conference Room 119 A/B

B. Good of the Order/Call to the Public

No public comments offered.

Judge Riojas presented Certificates of Appreciation to departing members Mr. Mark Stodola, Judge Ted Armbruster, Judge Phillip Bain, Judge Thomas Chotena, and thanked Judge Nicole Laurin who participated in the meeting telephonically.

The meeting was adjourned at 1:55 pm.